

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant:	FARNES, et al.	Patent Application	
Application No.:	10/085,652	Group Art Unit:	3623
Filed:	February 27, 2002	Examiner:	Boyce, Andre D.
For:	TOTAL CUSTOMER EXPERIENCE SOLUTION TOOLSET		

REPLY BRIEF

In response to the Examiner's Answer mailed on January 23, 2008, Appellants respectfully submit the following remarks.

REMARKS

Appellants are submitting the following remarks in response to the Examiner's Answer. In these remarks, Appellants are addressing certain arguments presented in the Examiner's Answer. While only certain arguments are addressed in this Reply Brief, this should not be construed that Appellants agree with the other arguments presented in the Examiner's Answer.

Response to Arguments on Page 17 lines 13-20, of the Examiner's Answer

MPEP §2131 provides:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). ... "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

On page 17 lines 13-20, the Examiner's Answer states, "In addition, Ulwick discloses implementation of the process for strategy evaluation and optimization designed and implemented on a computer system, including hardware and code (column 13, lines 13-20)." Lastly, Ulwick discloses production is analyzed to ensure the resulting service or product can be manufactured or delivered, wherein production inherently includes task interaction (column 15, lines 56-59), thus indeed disclosing developing an architecture for implementing said solution path (i.e., integration of positive elements to obtain optimal solution)" (emphasis added).

Appellants have reviewed the Examiner's Answer. Although arguments from the final Office Action's Response to Arguments are presented in a different order in the Examiner's Answer, to the best of Appellants knowledge, the only new arguments that were made by the Examiner's Answer are the underlined portions of page 17 lines 13-20 quoted above. These new arguments

in the Examiner's Answer appear to be made with respect to "developing an architecture for implementing said solution path," recited by Claim 27.

Claim 27 recites, "a) identifying gaps between current solutions and benefits that should be provided to a target customer; b) generating solutions for delivering said benefits and selecting a solution path which delivers the greatest number of benefits;...d) developing an architecture for implementing said solution path..." (emphasis added). In contrast, Appellants understand Ulwick's "software...implementing the process for strategy evaluation and optimization..." referred to by Ulwick at Col. 13 lines 13-20 to gather information and analyze the gathered information as a part of evaluating and optimizing a strategy. Thus, Appellants do not understand Col. 13 lines 13-20 of Ulwick to support an anticipation rejection of Claim 27.

CONCLUSION

In view of the above remarks, Appellants continue to assert that Ulwick does not teach, describe, or suggest the claimed embodiments.

Respectfully submitted,

WAGNER BLECHER LLP

Dated: 3/24/2008

/John P. Wagner, Jr./

John P. Wagner, Jr.

Registration Number: 35,398

WAGNER BLECHER LLP
123 Westridge Drive
Watsonville, CA 95076
(408) 377-0500